

FORM PTO-1390
(REV 2-2005)
OMB-0651-0021

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.
12112-0006

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: **October 7, 2005**

U.S. APPLN. NO.
(IF KNOWN, SEE 37 C.F.R. 1.5)
10/541,758

INTERNATIONAL APPLICATION NO.
PCT/JP2003/017083

INTERNATIONAL FILING DATE
December 26, 2003

PRIORITY DATE CLAIMED
January 8, 2003

TITLE OF INVENTION: **MAGNESIUM COMPOSITE POWDER, ITS MANUFACTURING METHOD, MAGNESIUM GROUP COMPOSITE MATERIAL AND ITS MANUFACTURING METHOD (AS AMENDED)**

APPLICANT(S) FOR DO/EO/US: **KATSUYOSHI KONDOH**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☐ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 20 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: copy of Search Report; PTO 1449; 11 references

U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50) 10/541,758		INTERNATIONAL APPLICATION NO. PCT/JP2003/017083		ATTORNEY DOCKET NO. 12112-0006 DATE: October 7, 2005	
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<input type="checkbox"/> The following fees are submitted:				CALCULATIONS	PTO USE ONLY
<input type="checkbox"/> 21.) Basic National Fee \$300				\$	
<input type="checkbox"/> 22.) Examination Fee - If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100 All other situations \$200				\$	
<input type="checkbox"/> 23.) Search Fee - If Search Fee (37 CFR 1.445(a)(2) has been paid in the International Application to the USPTO as an International Searching Authority \$100 International Search Report prepared and provided to the Office. \$400 All other situations \$500				\$	
TOTAL OF 21, 22 and 23 =				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100	0/50=		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(h)].				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =	0	X \$50.00	\$	
Independent Claims	- 3 =	0	X \$200.00	\$	
Multiple dependent claim(s) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later the 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded	\$
				Charged	\$

a. ☐ A check in the amount of \$0 to cover the above fees is enclosed.

b. ☐ Please charge Counsel's Deposit Account No. 50-1088 in the amount of \$_____ to cover the above fee. A duplicate copy of this sheet is enclosed.

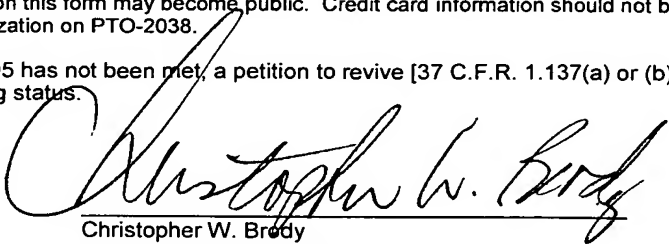
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Counsel's Deposit Account No. 50-1088.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

CLARK & BRODY
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 Christopher W. Brody
 Registration No. 33,613
 Date: October 7, 2005

Customer Number: 22902

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Katsuyoshi KONDOH

Art Unit: not yet assigned

Application No.: 10/541,758

Examiner: not yet assigned

Filed: 07/08/2005

Attorney Dkt. No.: 12112-0006

For: MAGNESIUM COMPOSITE POWDER, ITS MANUFACTURING METHOD,
MAGNESIUM GROUP COMPOSITE MATERIAL AND ITS MANUFACTURING
METHOD (AS AMENDED)

INFORMATION DISCLOSURE STATEMENT

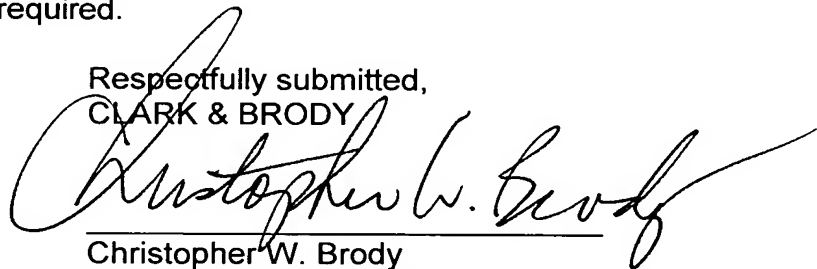
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants respectfully submit that this disclosure is being filed in accordance with 37 C.F.R. 1.97(b), therefore, no fee is required.

Respectfully submitted,
CLARK & BRODY



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Docket No.: 12112-0006
Date: October 7, 2005

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO.	SERIAL NO.
	12112-0006	10/541,758
	APPLICANT Katsuyoshi KONDOH	
	FILING DATE	GROUP ART UNIT
	07/08/2005	Not yet assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
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FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION		
							YES	NO	PART.
	1.	2071159	09/16/1981	GB			X		
	2.	56-136901	10/26/1981	JP	translation not required - cited on Search Report			X	
	3.	62-278201	12/03/1987	JP					X
	4.	2001-316688	11/16/2001	JP					X
	5.	2000-017352	01/18/2000	JP					X
	6.	8-41564	02/13/1996	JP					X
	7.	6-81068	03/22/1994	JP					X

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

8.	Masaya ISHIHARA, "Koso Goseiho o Riyo shita Mg ₂ Si Ryushi Bunsangata Magnesium Oshidashi Gokin no Tokusei" (Characteristics of Mg ₂ Si Particle-Dispersed Type Magnesium Extrusion Alloy Produced by Solid-Phase Synthesis Method), Dai 53 Kai The Proceedings of Japanese Joint Conference for the Technology of Plasticity, 01 November, 2002 (01-11-02), pages 87 - 88
9.	Masato IIBUCHI, "Kangen Koso Goseiho o Eiyo shita Mg ₂ Si/MgO Ryushi Bunsangata Magnesium Oshidashi Gokin no Tokusei" (Characteristics of Mg ₂ Si/MgO Particle-Dispersed Type Magnesium Extrusion Alloy Produced by Reduction Solid-Phase Synthesis Method) Dai 53 Kai The Proceedings of Japanese Joint Conference for the Technology of Plasticity, 01 November, 2002 (01-11-02), pages 89 - 90
10.	Hiroshi MURAMATSU, "Kokuen o Tenka shita Mg ₂ Si/MgO/Mg Fukugo Zairyo no Kanshiki Masatsu Tokusei", (Tribological Property of Mg ₂ Si/MgO/Mg Composites with Graphite Particles under Dry Conditions), The Japan Society of Mechanical Engineers, Dai 11 Kai The Materials and Processing Conference, 17, October 2003, (17-10-03), pages 127 - 128
11.	Katsuyoshi KONDO et al., "Koso Goseiho ni yoru Mg ₂ Si Ryushi Bunsangata Magnesium Gokin no Kanshiki Masatsu Shudo Tokusei", (Dry Friction Sliding Characteristics of Mg ₂ Si Particle-Dispersed Type Magnesium Alloy Produced by Solid-Phase Synthesis Method), The Japan Institute of Metals Koen Gaiyo, 11 October, 2003, page 165

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.